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10 ACCIDENT INSURANCE COMPANY and AMERICAN
11 PRESIDENT LINES, LTD

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 RHONDA M. PIERCE, as Administrator of
17 the Estate of PATRICIA A. HOFFER,
18 deceased,

19 Plaintiff,

20 vs.

21 HARTFORD LIFE AND ACCIDENT
22 INSURANCE COMPANY; AMERICAN
23 PRESIDENT LINES, LTD., and DOES 1
24 THROUGH 25,

25 Defendants.
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Case No.: CV-08-2174-MHP

**STIPULATION EXTENDING DEADLINE
FOR BRIEFING ON STANDARD OF
REVIEW; PROPOSED ORDER**

1 Plaintiff Patricia Hoffer ("Plaintiff") and defendants Hartford Life and Accident
2 Insurance Company ("Hartford") and American President Lines, Ltd., ("APL") by and through
3 their respective counsel, hereby stipulate to an extension of time to file briefing on the standard
4 of review in the above matter, and request an order extending the same, as follows.

5 1. This is an action by Plaintiff, as the administrator of the estate of Patricia A.
6 Hoffer, deceased, seeking to recover total disability benefits under a Long term Disability Plan
7 issued by Hartford to her former employer, APL.

8 2. Plaintiff believes the decedent also was insured under a life insurance policy
9 issued by her employer. The parties have been working informally to determine whether Plaintiff
10 continued coverage under the any such life insurance policy, the identity of the entity that issued
11 the policy, and the amount of any such benefit. The parties agree that whether the decedent was
12 eligible for a benefit under a life insurance policy issued or offered by the defendants is a
13 material question that will substantially affect the value of the case and will impact the parties
14 prosecution of the litigation and eventual approach to a resolution.

15 3. To date, the parties have been unsuccessful in their efforts to definitively answer
16 the issues concerning the existence and availability of a life insurance benefit. However, they
17 continue to work on the question.

18 4. At the status conference in this matter on January 12, 2009, the Court issued an
19 order requiring the parties to file briefs on or before March 16, 2009, concerning the standard of
20 review the Court should utilize in evaluating the propriety of Hartford's determination that the
21 decedent was not entitled to further disability benefits.

22 5. The parties have expressed a mutual desire to explore settlement possibilities
23 prior to incurring the attorney's fees and costs that would be associated with the preparation of
24 the briefing on the standard of review. However, the parties also recognize they need to solve the
25 life insurance question in order to maximize the potential for the success of their settlement
26 discussions.

1 6. Accordingly, the parties hereby request that the Court extend the deadline for the
2 filing of briefs on the standard of review until **April 16, 2009**, to allow the parties to continue to
3 work on the life insurance question and pursue settlement discussions.

4 IT IS SO STIPULATED.

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6 Dated: March 10, 2009

KELLY, HOCKEL & KLEIN P.C.

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8
9 By // Thomas K. Hockel
 Thomas K. Hockel
 Attorneys for Defendants

10
11 Dated: March 10, 2009

LAW OFFICE OF CURTIS G. OLER

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13
14 By // Curtis G. Oler
 Curtis G. Oler
 Attorney for Plaintiff

15 **ORDER**

16
17 Having considered the parties' stipulation, and good cause appearing, the Court hereby
18 approves of the foregoing stipulation and extends the deadline for the filing of briefing on the
19 standard of review until **April 16, 2009**.

20 IT IS SO ORDERED.

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22 Dated: March 12, 2009

